

REMARKS

Applicants appreciate the Examiner's careful review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

By this Amendment, claims 1, 11, and 20 are amended to better define the claimed invention. Claims 1-22 are pending for examination in this application.

Rejection under 35 U.S.C. § 112

Claims 20-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response, claim 20 is amended to overcome this rejection. In particular, claim 20 is amended to provide proper antecedent basis for the recitation of "normal mobile station." Withdrawal of this rejection is respectfully solicited.

Rejection under 35 U.S.C. § 103

Claims 1-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Swant (US 2005/0032494) in view of Ko (US 2005/0260982). Applicants respectfully traverse this rejection for at least the reasons discussed below.

Initially, Applicants respectfully submit that Ko reference was filed on June 30, 2005, which is after the filing date of the present application. Therefore, Ko reference alone is not a reference under 102(b) or 102(e). Also, from the record, no indication shows that the inventors of Ko are citizens of the U.S. or the invention of Ko was made in the U.S., and thus no indication that Ko reference is known by other in this country under 102(a). Although Ko claimed priority based on a parent application, the parent application is not relied upon in the outstanding Office Action. Accordingly, it is respectfully submitted that the Office Action fails to establish a *prima facie* rejection because Ko is not qualified as a reference.

Further, in the outstanding Office Action, it is acknowledged that Swant does not disclose or suggest the test analyzer body, as recited in original claim 1, "connecting to the base station to generate mass mobile communication multimedia test calls." Independent claim 1 is amended to similarly recite "a test analyzer body configured . . . for generating mass mobile communication multimedia test calls . . ." and "a test analyzer interface coupled to the base station and the test analyzer." Therefore, it is submitted that Swant fails to disclose or suggest at least these features.

More specifically, Ko is directed to a method of testing a digital mobile phone network. In Ko, the combination of a mobile station 502 and a terminal 508 simulated to generation of calls over the mobile phone network. See para. 0102 of Ko. A protocol analyzer 512 record all the messaging in data files 514 for subsequent processing. See para. 0105-0106 of Ko. However, nowhere does Ko disclose or suggest a test analyzer body that is coupled to the base station and configured for generating mass mobile communication multimedia test calls. As such, Ko fails to remedy the deficiencies of Swant.

For at least the forgoing reasons, it is submitted that Swant and Ko, either alone or in combination, fail to render the features recited in amended independent claim 1 obvious.

Independent claim 11 is amended to recite, among other things, “generating, by a test analyzer, a test call so as to enable an operator to directly connect to the base station and monitor performance of the system” and “analyzing, by the test analyzer, performance data according to the test result.” Similar to the reasons presented above for claim 1, it is respectfully submitted that amended claim 11 is patentable over Swant and Ko.

Claims 2-10 and 12-15 are likewise patentable over Swant and Ko for at least their dependency upon independent claims 1 and 11, respectively. Withdrawal of the rejection of claims 1-15 under § 103(a) is respectfully requested.

Claims 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 2003/0119452) in view of Ko, and further in view of Jeong (US 2003/0081622). Applicants respectfully traverse this rejection for the reasons discussed below.

First, similar to the reasons presented above for claim 1, it is respectfully submitted that Ko reference alone is not qualified as a reference, and thus the Office Action fails to establish a *prima facie* rejection.

Secondly, it is respectfully submitted that Kim and Jeong are not analogous references for 103 purposes because the subject matter Kim and Jeong deals with cannot logically commend themselves to Applicants’ attention in considering the present application as a whole. More specifically, Kim is directed to a method of controlling transmission power of a plurality of user equipments, and Jeong is directed to a data translation apparatus between an IP-BTS and an ATM-BSC. Neither Kim nor Jeong are directed to a method or an apparatus for testing a mobile

communication system. Therefore, a person of ordinary skill in the art would not consider Kim or Jeong being reasonably pertinent.

In addition, regarding independent claim 16, even assuming for argument purposes that Kim and Jeong are analogous references, the applied references fail to at least disclose or suggest the recited “a frame protocol (FP) layer for performing the frame protocol service and then requesting an Ethernet service” and “an Ethernet layer for transferring a service request of the test analyzer body to a test analyzer interface.”

More specifically, in the Office Action, it is acknowledged that Kim and Ko fail to disclose at least these features. Moreover, Jeong merely discloses a data interface apparatus between IP-BTS and ATM-BSC. Nowhere does Jeong disclose or suggest a test analyzer body or a test analyzer interface, let alone the recited “Ethernet layer for transferring a service request of the test analyzer body to a test analyzer interface.”

Therefore, for at least this reason, Jeong fails to remedy the deficiencies of Kim and Ko. Claim 16 is patentable over Kim, Ko, and Jeong.

Independent claims 19 and 20 recite a frame protocol layer and an Ethernet layer, as similarly recited in independent claim 16. Similar to the reasons advanced for claim 16, claims 19 and 20 are patentable over Kim, Ko, and Jeong as well.

Claims 17, 18, 21, and 22 are likewise patentable over Kim, Ko, and Jeong for at least their dependency upon independent claims 16 and 20, respectively. Withdrawal of the rejection of claims 16-22 under § 103(a) is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited. Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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